

INDEPENDENT EXAMINATION OF THE CHECKLEY NEIGHBOURHOOD DEVELOPMENT PLAN

INDEPENDENT EXAMINER:
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To Staffordshire Moorlands District Council and Checkley Parish Council

By email to David Davies, Planning Officer, Planning Policy, Staffordshire Moorlands District Council; and Dawn Plant, Clerk, Checkley Parish Council

Dated 26 September 2023

Dear Dawn and David

Checkley Neighbourhood Development Plan Independent Examination – Examiner letter seeking clarification of matters

You will be aware I paused the Independent Examination in late July 2023 in order to provide the Parish Council with an adequate opportunity to comment on the Regulation 16 representations of other parties. I have now received comments from the Parish Council in this respect and have re-commenced the Independent Examination.

Further to my initial letter of 29 June 2023 I am writing to seek clarification of the following matters:

Policy HSG1

1. The red site outlines on the Dairy Site Allocation Plan and on the aerial photograph presented on page 42 of the Neighbourhood Plan vary. An area of land to the east of, and separated from the main body of the site by a highway, is shown with a red line boundary on the allocation plan but not on the aerial photograph. Is that land also part of the proposed allocation? The allocation plan shows a “building converted to residential use” in the south eastern corner of the map which is not enclosed within the red line. Is it intended this building is part of the allocation? Also please confirm whether the allocation includes the former Fole Reformed Evangelical Chapel at the north-east corner of the main body of the site. Please provide me with a map of the allocation site clearly outlined in red at sufficient scale to identify the boundaries accurately. Please also state the site area of the allocation in hectares.

The area of land to the east of and separated from the main body of the site by a highway, shown with a red line boundary on the allocation plan, is part of the allocation and should be on the aerial photograph. We will remove the aerial photograph as we consider this to be non-essential and less derailed. The building in the southeast corner is a listed building and conversion of this does

not form part of our NDP site allocation. We will add a note to clarify. We will seek assistance to calculate the hectares of the site and include the figure in the NDP as a note.

2. I invite comment on my proposed modification of this policy and my reasoning as follows:
 1. This policy seeks to define settlement boundaries, allocate two sites for residential development, and establish other locations where proposals for residential development will and will not be supported.
 2. Staffordshire County Council acting as Mineral and Waste Planning Authority has submitted a holding objection with respect to the Tearne House site allocation for residential development. Staffordshire County Council state it will be necessary to assess whether the proposal accords with Policy 3 of the Minerals Local Plan. When commenting on the County Council representation the District Council has stated an objection to Policy HSG1 on the basis “the Parish Council need to demonstrate that they have evidence of having conducted an assessment to demonstrate: a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations”.
 3. I have earlier in my report explained I am required to check the Neighbourhood Plan does not include provision about excluded development including minerals. A neighbourhood development order may not provide for the granting of planning permission for any development that is excluded development (Section 61J (2) of the Town and Country Planning Act 1990 as amended by the Localism Act 2011). For these purposes excluded development includes development that consists of a county matter (Within paragraph 1(1)(a) to (h) of Schedule 1 of the Town and Country Planning Act 1990 as amended by the Localism Act 2011). County matters include the winning and working of minerals. Part 2 of Schedule 9 to the Localism Act 2011 applies the excluded development provision to neighbourhood development plans. Neighbourhood development plans do not grant planning permission but set out policies in relation to the development and use of land. On this basis I understand neighbourhood development plan policies may not relate to excluded development including the winning and working of minerals. Development of land can have the effect of sterilising mineral resources. Minerals can only be worked where they exist. The existence of mineral deposits does not necessarily mean they can be worked. That decision will be based on a wide range of complex considerations that could not appropriately

be considered by a community led neighbourhood planning process. These issues can only be considered through exploration of mineral development matters that are excluded for the purposes of neighbourhood plan preparation. Additionally, issues relating to mineral sterilisation are strategic in nature. It is not the function of a neighbourhood plan to prepare strategic planning policies to meet assessed needs over a Local Plan area (*Gladman Developments v Aylesbury Vale District Council* 2014 EWHC 4323 (Admin)). It is not realistic to expect the Parish Council to have the capacity to resolve issues of minerals supply and demand which is a strategic issue requiring assessment over a wide area. This would lead me to conclude I should recommend a modification of the Neighbourhood Plan to delete the proposed allocation of land at Tearne House Quarry Bank for residential development on this basis.

4. The Parish Council state “The NDP does not identify any proposed housing development site in the Tearne Quarry area outside of the boundary of the new housing development now currently close to completion. Since identified in the early stages of producing the draft the proposed site received full planning permission. Planning permission SMD/2018/0045 refers. Staffordshire County Council’s consultation response to the application also refers SCC reference SMD/2018/0045 MSA dated 20th March 2018 – No Objection.” I have examined the District Council online file relating to the planning application referred to, including the consultation responses of the County Council relating to minerals and regeneration matters. It is evident to me that a planning permission has been granted in September 2018 for nine dwellings and I have noted the construction of those dwellings is substantially completed. I recognise the Parish Council has worked for many years to achieve a made Neighbourhood Plan and that inevitably it has been overtaken by events in some respects. Under these circumstances I consider the development at the Tearne House site, Quarry Bank should be regarded as a commitment/completion and that a site allocation in the Neighbourhood Plan is not appropriate.
5. There are other considerations that support the conclusion I have reached. The allocation site is not clearly defined in the Neighbourhood Plan. The distinction between red edged land and blue edged land on the map presented on page 42 of the Neighbourhood Plan is barely discernible without expansion. The red edged land on that map erroneously includes the curtilage of Hollington Village Hall in the allocation. The aerial photograph that accompanies the map erroneously includes the adjacent quarry in the red edged site. It is highly likely that this lack of clarity has resulted in the County Council and District Council basing their representations on a false premise.

The lack of clarity of which land is proposed for allocation is a sufficiently important matter such that the allocation cannot proceed at this time. For all the above reasons I have recommended the land allocation for housing development at Tearne House, Quarry Bank is deleted from Policy HSG1.

6. The District Council at regulation 14 stage identified: conflict between parts 3 and 4 of the policy; ambiguity; lack of recognition that the Local Plan supports residential development in the countryside in stated circumstances; and lack of accord with the spatial strategy of the Local Plan. The Regulation 16 representation of the District Council refers to: the inconsistency between parts 3 and 4 of the policy; non-conformity with strategic policies despite an addition to the interpretation; failure to recognise residential development may be acceptable beyond development boundaries; and a misleading statement in the interpretation suggesting limitation of rural exception sites to brownfield locations. The District Council also state agricultural buildings are notionally greenfield, and reference to homesteads is not essential and could be made in the interpretation. The District Council state the site allocations do not contain any development criteria to augment other Neighbourhood Plan and Local Plan policies, and identify deficiencies and queries relating to the allocation maps. The representation of the District Council also refers to paragraph 62 of the Framework and suggests the policy should refer to housing needs of travellers.
7. Part 1 of Policy HSG1 seeks to define settlement boundaries for Checkley, Lower Tean, and Upper Tean. I have noted the District Council states “The policy provides new development boundaries for Checkley and Lower Tean, but not Hollington. The interpretation section should explain that, despite this difference, all three villages remain identified as ‘smaller villages’ under Policy SS9 of the SM Local Plan, and therefore serve the same strategic function.” I have adopted this proposal in my recommended modification.
8. Part 2 of Policy HSG1 seeks to allocate two sites for residential development although I have, above, recommended a modification so that only the Fole Dairy site is progressed as an allocation. I have noted the Residential Development Options for Growth report Final Draft January 2021 explains that the call for sites in November/December 2017 resulted in 14 sites being nominated and explains the development of criteria for assessment of sites and the outcome of that assessment. I am satisfied the process leading to the site allocations has been proportionate and appropriate. The District Council state there are discrepancies between the two plans for Fole Dairy (i.e., question whether the triangle of land at SE corner grid ref 404450 / 337260 is part of the allocation, and question whether the allocation includes or excludes the Fole Reformed Evangelical Chapel at NE corner. I have sought

clarification from the Parish and District Councils in these respects and am satisfied they are of a level of significance that can be resolved through modification of the Neighbourhood Plan. With respect to the representation of the District Council questioning whether Policy HSG1 should contain detailed policies for the development of both sites this is not a requirement to meet the Basic Conditions however I have noted Policy DES1 establishes design principles for development. I am satisfied the approach adopted in Policy HSG1 to rely on other policies of the Neighbourhood Plan to shape the nature of development that may occur on allocated land is appropriate.

I have recommended Policy DES1 is referred to in the Interpretation section of Policy HSG1.

9. Part 3 of Policy HSG1 is imprecise and does not provide a basis for the determination of development proposals as part a is stated to include infill sites within the settlement boundaries and part b refers to infill sites in accordance with Policy DES2, although that latter policy does not any locational definition other than to specify that development involving the loss of public open space is not infill. The reference to homesteads as being brownfield is challenged by the District Council and has not been sufficiently evidenced to be included in the policy.
10. Part 4 of Policy HSG1 seeks to prevent residential development outside the defined settlement boundaries, however this is inconsistent with part 3 of the policy which supports residential development on brownfield sites generally. There may also be an inconsistency between part 4 and part 3b of the policy if Policy DES2 was read to include infill outside settlement boundaries. Part 4 of Policy HSG1 is also not in general conformity with the spatial policies of the Local Plan which support development in Hollington where it accords with Policy SS9. I have noted the representation of the District Council which states Local Plan Policy H1 supports limited residential development of an appropriate scale and character for the Spatial Strategy outside the development boundaries identified in the Local Plan provided the specified criteria detailed in the policy are met. Part 4 of Policy HSG1 does not have sufficient regard for national policy with respect to rural exception sites referred to in paragraph 78 of the Framework, and entry-level exception sites referred to in paragraph 72 of the Framework.
11. The reference to brownfield locations in the third paragraph of the Interpretation is misleading as exception sites are not limited to brownfield locations.

12. I have recommended a modification in all these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan.
13. The District Council has stated the settlement boundary for Upper Tean on the map on page 36 of the Neighbourhood Plan deviates from the proposed settlement boundary on the map on page 41 of the Neighbourhood Plan. The Parish Council has stated no deviation is intended and asked the District Council to provide replacement maps that are consistent. I am satisfied the variation is minor in nature and have recommended the maps should be modified to be consistent. I have also followed a District Council recommendation that all maps within the Neighbourhood plan should state their scale. I have recommended a modification in these respects so that the policy is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
14. The District Council has also stated the map on page 36 of the Neighbourhood Plan includes in the Key an explanation that the land enclosed with a dotted line is “Proposed Settlement Boundary Checkley Parish Neighbourhood Plan”. The District Council state “The terminology should be amended to explain that it refers to the site of a planning permission in any adjacent Parish.” The Parish Council state “CPC would seek a robust suggested and positive way forward on this issue. There is a significant, fundamental, and worrying aspects relating to the Tenford Lane development. Whilst everyone CPC has spoken to, including District Councillors agree that this development will become an integral part of Upper Tean (it fronts Upper Tean’s Tenford Lane), it does not count against our housing numbers. It has become a backdoor route to introducing significant housing numbers without reference to our plan. Worryingly there has recently been an application for a further 87 houses, albeit an invalid application the trend appears to be set. In some respects, if this is allowed to continue without reference to Upper Tean or Checkley Parish (as CPC would expect for any other major developments which become part of our community) the voluntary work over the last 7+ years to get the NDP to this stage would disappointingly somewhat negated. CPC can find no legal precedent that would preclude our plan from including this integrated development in the NDP. This is the only issue over the plan preparation period where CPC has asked for substantive input from SMDC, it is of great concern that our

communities do not understand how such developments can go ahead without reference to the policies and provisions in our NDP including the impact upon local services and infrastructure. CPC accept that this location is on the margins of Upper Tean's Settlement/Development boundary, hence the inclusion in the plan of a slightly extended settlement/development boundary area."

15. The Neighbourhood Plan may not relate to any land outside the Neighbourhood Area. I have recommended the Key to the Map on page 36 of the Neighbourhood Plan should be modified so that the area of land with dotted boundaries is described as "Land outside the Neighbourhood Area where a residential planning permission has been granted." I have recommended this modification so that the Neighbourhood Plan has sufficient regard for national policy.
16. The District Council has stated the Neighbourhood Plan uses the term "settlement boundary" whereas the Local Plan uses the term "development boundary." This variation of designation has potential to cause confusion for users of the Development Plan. I have recommended all references to 'settlement boundary' in the Neighbourhood Plan, including on maps, should be modified to state 'development boundary'. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.
17. The District Council has suggested text is included in the Neighbourhood Plan relating to gypsy and traveller housing needs. The Parish Council state "It is not the intention to address gypsy and traveller issues in the Neighbourhood Plan. This is better dealt with by the Local Plan." With respect to points made by the District Council relating to Gypsy and Traveller Policy, paragraph 62 of the Framework states that it should be read in the context of paragraph 61 of the Framework which relates to strategic policies. The Guidance states "Neighbourhood plans are not obliged to contain policies addressing all types of development." I am satisfied there is no requirement that a Neighbourhood Plan should address matters relating to Gypsy and Traveller policy in order to meet the Basic Conditions or other requirements I have identified.
18. The District Council state it is not clear how the Parish's housing allocation of 50 dwellings (2019-2033) will be met and how the additional two-year period of the Neighbourhood Plan 2033-2035 has been considered. The District Council also refer to tilted balance assessments under paragraph 14 of the

Framework. The Parish Council state “The paragraph at the bottom of page 35 of the Neighbourhood Plan deals with housing numbers. This makes clear that 15 are provided by the strategic site allocation UT019. For clarity CPC will add a sentence confirming that the two sites allocated in the Neighbourhood Plan would provide 57 additional houses. Also, a note highlighting the several additional planning application approvals for new housing have been passed during the 7+ years it has taken to get to this stage in the plan. Of significant note, the site at Daisy Bank Farm, Lower Tean, a development of 55 houses. This means that the housing need figure has been exceeded by a considerable margin. These numbers do not include of course the development of 40 houses in Tenford Lane. If the significant over supply of housing in the Blythe Bridge area is being counted against the overall housing needs of the administrative area of SMDC, it is incongruous that a development that will form part of our village (there does not appear to be any argument against that conclusion) would not count against our number due to the site being just across a neighbouring border (Cheadle Town). CPC cannot identify any legal reason why a development/settlement area cannot marginally straddle two areas within the same overall administrative area. (See also later comments end column row 30). Current housing need is exceeded in our parish by a considerable margin. CPC does not consider therefore that factoring in is required. Additionally, we will be taking a lead from SMDC on monitoring and review, CPC has confidence that SMDC’s robust monitoring and review systems would factor in by due process any change to housing needs that requires accommodating up to 2035. See above + CPC consider the information to be clear and tilted balance decisions a matter for the strategic planning authority throughout the Staffordshire Moorlands administrative district area.”

19. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and has regard for the Guidance. The Guidance states “The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.”

20. Local Plan Policy SS4 states “In order to assist in meeting the development requirements for the Local Plan, Neighbourhood Plans should maximise opportunities for housing growth in sustainable locations. The following table sets out the housing requirements for parishes preparing a Neighbourhood Plan. These requirements are a minimum and may be subject to review as part of the District's overall review of plan delivery against its housing requirement. Neighbourhood Plans should also seek to provide as a minimum the residual employment land requirement for their area. Neighbourhood Plans should demonstrate that they can support the housing requirement through the provision of allocations and/or policies which support the development of windfall sites. The methodology used to calculate the housing requirement is set out in Appendix 5 and will be used to calculate requirements for new Neighbourhood Plans.”

21. The Local Plan establishes at Table 6.9 a minimum net housing requirement 2019-2033 of 50 dwellings for Checkley Parish. The Local Plan allocation for Checkley Parish is 50 dwellings for the period to 2033. The Neighbourhood Plan has a plan period running to 2035. I have not seen any evidence to suggest this difference in plan timescales will have any significant effect of net housing requirements in the Neighbourhood Area. The Neighbourhood Plan, as recommended to be modified, includes a significant residential development allocation that would appear to have capacity to alone deliver almost the net housing requirement for the Neighbourhood Area. No policy of the Neighbourhood Plan specifically seeks to limit the number of dwellings that can be developed within the built framework of the principal settlements of Upper Tean; Lower Tean; and Checkley within the Neighbourhood Area and Development Plan policies support residential development in other locations. On the basis that the transfer of the Tearne House, Quarry Bank site from being an allocation to being a commitment/completion does not impact on the total potential delivery of homes in the Neighbourhood Area over the Plan period I am satisfied Policy HSG1, in the context of the Neighbourhood Plan as a whole, has sufficient regard for paragraph 29 of the Framework which states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”

22. Policy HSG1 is relevant to housing supply. The Guidance states that where neighbourhood plans contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. The Residential Development Options for Growth report Final Draft January 2021 confirms the Parish Council has considered housing needs and sets out details of a housing site assessment process. I am satisfied that in

preparing the Neighbourhood Plan particular consideration has been given to the opportunities for allocating small and medium-sized sites suitable for housing in the Neighbourhood Area as required by paragraph 70 of the Framework.

23. Annex 2 Glossary of the Framework sets out the definition of rural exception sites as “Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.” Paragraph 72 of the Framework provides for entry-level exception sites adjacent to, and proportionate in size to, existing settlements on land not already allocated for development. I am satisfied Policy HSG1 as recommended to be modified has sufficient regard for national policy relating to rural and entry-level exception sites, and meets the Basic Conditions.
24. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
25. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Draft recommended modification:

Replace Policy HSG1 with:

“1. The 2.02-hectare site at Fole Dairy, Uttoxeter Road, Fole identified on the map on page 42 below is allocated for residential development.

2. In addition to the above allocated site, and sites allocated in the Local Plan, residential development, appropriate to the Settlement Hierarchy established by Policy SS2 of the Local Plan, will be supported:

- within the development boundaries for the smaller villages of Checkley and Lower Tean, and the larger village of Upper Tean, defined on the maps on pages 39-41 below; and
- in other locations in accordance with Policies SS8 and SS9 of the Local Plan.

3. Proposals for residential development elsewhere will be assessed in accordance with strategic and national policy.”

Note: The page numbers referred to in the policy may need to be adjusted.

Modify all references to “settlement boundary” and “settlement boundaries” in the Neighbourhood Plan, including on Maps, to state “development boundary and “development boundaries.”

In the Interpretation set out the provisions of Local Plan Policies SS2, SS8 and SS9 and explain that whilst it has not been considered appropriate to define a development boundary for Hollington due to its spatial form the three villages of Checkley, Lower Tean and Hollington remain identified as ‘smaller villages’ under Policy SS9 of the Local Plan, and therefore serve the same strategic function.

In the Interpretation include reference to Policy DES1 which establishes design principles for development.

In the Interpretation third paragraph delete “in brownfield locations”

The Upper Tean Development Boundary (currently referred to as Settlement Boundary) identified on the Maps on pages 36 and 41 of the Neighbourhood Plan should be adjusted to be consistent.

The Key to the Map on page 36 of the Neighbourhood Plan should be modified so that the area of land with dotted boundaries is described as “Land outside the Neighbourhood Area where a residential planning permission has been granted.”

All maps in the Neighbourhood Plan should state their scale.

All agreed by CPC.

3. I invite comment on my proposed recommended modification and reasoning as follows:

Paragraph 62 of the Framework, within the context of paragraph 61, states the size, type and tenure of homes needed for different groups in the community should be assessed and reflected in planning policies. Paragraph 63 of the Framework does include provision for off-site affordable housing or an appropriate financial contribution in lieu where that can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Paragraph 72 of the Framework states Local Planning Authorities should support the development of entry-level exception sites, suitable for first time buyers unless the need for such homes is already being met within the authority's area. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

Local Plan Policy H3 includes "4) Affordable housing should be designed as an integral part of developments and be 'tenure blind' in relation to other properties within the site." I have recommended a modification of Policy HSG2 so that the policy serves a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area in accordance with paragraph 16 of the Framework. I have also recommended adjustment of the Interpretation to relate to the modified policy wording and draw attention to Local Plan Policy H3.

Draft recommended modification:

In Policy HSG2

- in part 1 after "based on" insert "the latest"
- in part 1 after "including" insert "consideration of the need for"
- replace part 2 with "Where on-site affordable housing, including First Homes, is provided within a development it should be distributed throughout the site and be of similar specification to the market housing."

Replace the text of the Interpretation with "This policy should be read alongside Policy H3 of the Local Plan.

Agreed by CPC

Policy EMP2

4. The Parish Council has stated "Government policy and guidance makes clear that Neighbourhood Plans should not repeat national policy and guidance. These apply anyway. The policy has been drafted to be consistent with the special statutory duties relating to heritage and national policy and guidance. As always,

there may be tensions between different policy requirements. This applies to policy at all levels.” Paragraphs 189 to 208 of the Framework set out national policy in relation to conserving and enhancing the historic environment. The requirement of Policy EMP2 to preserve heritage assets and their setting does not have sufficient regard for national policy. The term “high quality and durable materials” is imprecise. The inclusion of reference to some use types of buildings and not others is not sufficiently justified. Policy EMP2 does not have sufficient regard for national policy and is not “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. The policy does not serve a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies. This policy does not meet the Basic Conditions. I invite comment on my intention to recommend Policy EMP2 is deleted.

Agreed by CPC EMP2 to be deleted.

We understand that clause 2 adds little to national policy and note the comment on high quality and durable materials. Clause 1 recognises a local issue in re-using certain kinds of building. We would be keen on retaining positive support for diversification for historic farmsteads in particular.

Policy LGS1

5. In its Regulation 16 representation the District Council has stated “...of the sites remaining, and given SMDC’s comments at regulation 14 above, the majority remaining appear to benefit from either some form of designatory protection already (e.g., open space, LGS)” Please confirm which of the sites proposed for designation are already designated as LGS.

As far as we understand none of the proposed LGS are already designated.

Policy DES2

6. I invite comment on my proposed recommended modification and reasoning as follows:

Paragraph 124 of the Framework states planning policies should support development that makes efficient use of land taking into account the desirability of maintaining an area’s prevailing character and setting (including residential gardens). The terms “small infill sites” and “inadequate gaps” are imprecise.” It is confusing for a policy to unnecessarily refer to another policy as the Neighbourhood Plan should be read as a whole. The exclusion of development

involving the loss of public open space has not been sufficiently justified. The exclusion from support of development involving loss of garden space does not have sufficient regard for national policy. The term “of the street” will not always be applicable. I have recommended the policy clarifies that it relates to infill development both within settlement boundaries and on the edge of settlements. The term “should” rather than “must” reflects the requirement of paragraph 2 of the Framework to consider material considerations in decision making. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

Draft recommended modification:

Replace Policy DES2 with “All residential development on infill sites within settlement boundaries, or on infill sites on the edge of villages should be designed to:

- a. complement the townscape character of its surroundings and not adversely affect the residential amenity of occupiers of existing dwellings; and**
- b. avoid the appearance of over-development or development disproportionate to surrounding properties.”**

In the Interpretation delete “points 3 and 4”

In the Interpretation refer to Policy HSG1 which clarifies the scale of development should be consistent with the strategic settlement hierarchy set out in Policy SS2 of the Local Plan, and that infill sites on the edge of villages must be in accordance with Policies SS8 and SS9 of the Local Plan.

Agreed by CPC

I request any response to these matters is agreed as a joint response of the Parish and District Councils wherever possible. This request for clarification and any response should be published on the District Council website.

In order to maintain the momentum of the Independent Examination I would be grateful if any reply could be sent to me by 12.00 Noon on Wednesday 4 October 2023.

For the avoidance of doubt recommendations of modification of the Neighbourhood Plan that may be contained in my report of Independent Examination will not be limited to those matters in respect of which I have requested clarification.

I should be grateful if the District Council and the Parish Council could acknowledge receipt of this email.

Best regards

Chris Collison
Independent Examiner
Planning and Management Ltd